

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

**Monterey Park City Hall Council Chambers
320 West Newmark Avenue
Monterey Park, CA 91754**

**TUESDAY
MARCH 24, 2015
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the Planning Commission less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at <http://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

PUBLIC COMMENTS ON AGENDA ITEMS

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

CALL TO ORDER – Chairperson Rodrigo Garcia

ROLL CALL – Commissioners Choi, Hamner, Lam, and Sullivan

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES

PUBLIC HEARINGS

[1.] UNFINISHED BUSINESS

[2.] NEW BUSINESS

2-A. CONDITIONAL USE PERMIT – 900 CORPORATE CENTER DRIVE (CU-15-01)

The applicant, Bryce Novak of Cortel, Inc., on behalf of T-Mobile, is requesting a Conditional Use Permit to allow a wireless telecommunication facility at 900 Corporate Center Drive.

This project was determined to be a Class 3 (New Construction) Categorical Exemption pursuant to CEQA Guidelines § 15303.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CU-15-01) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

[3.] COMMISSION COMMUNICATIONS

[4.] FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION

[5.] STAFF UPDATES

[6.] CLOSED SESSION

ADJOURN

To the next regularly scheduled meeting on April 14, 2015

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: March 24, 2015

AGENDA ITEM NO: 2-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CUP-15-01) to allow a wireless telecommunications facility – 900 Corporate Center Drive.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting a Resolution approving the requested Conditional Use Permit (CUP-15-01) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Bryce Novak of Cortel, Inc., on behalf of T-Mobile, is requesting a Conditional Use Permit to allow a wireless telecommunication facility at 900 Corporate Center Drive. The property is zoned C-P (Commercial Professional) and is designated Commercial in the General Plan.

Staff believes that the proposed project is consistent with the requirements and standards in the Monterey Park Municipal Code ("MPMC") and will not have significant impacts to the surrounding community. In 1996, the Planning Commission approved a similar project on a building immediately south of the project site at 1000 Corporate Center Drive. The design of that wireless facility is similar to the one currently proposed.

Property Description

The subject property is located on the east side of Corporate Center Drive, three lots south of Casuda Canyon Drive. North of the subject property is a vacant lot and Pine Tree Park, west and south are multi-story office buildings, and east are single-family dwelling units. The lot is 265,280 square feet (6.09 acres) in size and is currently developed with three detached buildings that are 92,000 square feet, 72,328 square, and 119,372 square feet in size, constructed in 1985. The property is accessible from Corporate Center Drive.

Project Description

The project includes installing 3 new screen cabinets; 4 antenna panels will be behind each cabinet. Twelve total new antenna panels are proposed. The screen cabinets will be installed on the east, west, and north elevations of the penthouse of an existing building. The subject building is 6 stories, 80 feet tall, not including the 16 feet penthouse. The proposed screen cabinets will not exceed the height of the penthouse. Also, the screen cabinets will be painted to match the exterior color of the penthouse. There will also be a 10 feet by 20 feet equipment lease area adjacent to the northwest corner of the penthouse. Within the lease area will be 3 mechanical cabinets and ancillary electrical equipments. The mechanical cabinets and electrical equipments will be painted to match the exterior building color. There will be minimal visibility of the ancillary equipments since the building is 80 feet tall and the penthouse is located at the center portion of the roof.

OTHER ITEMS:

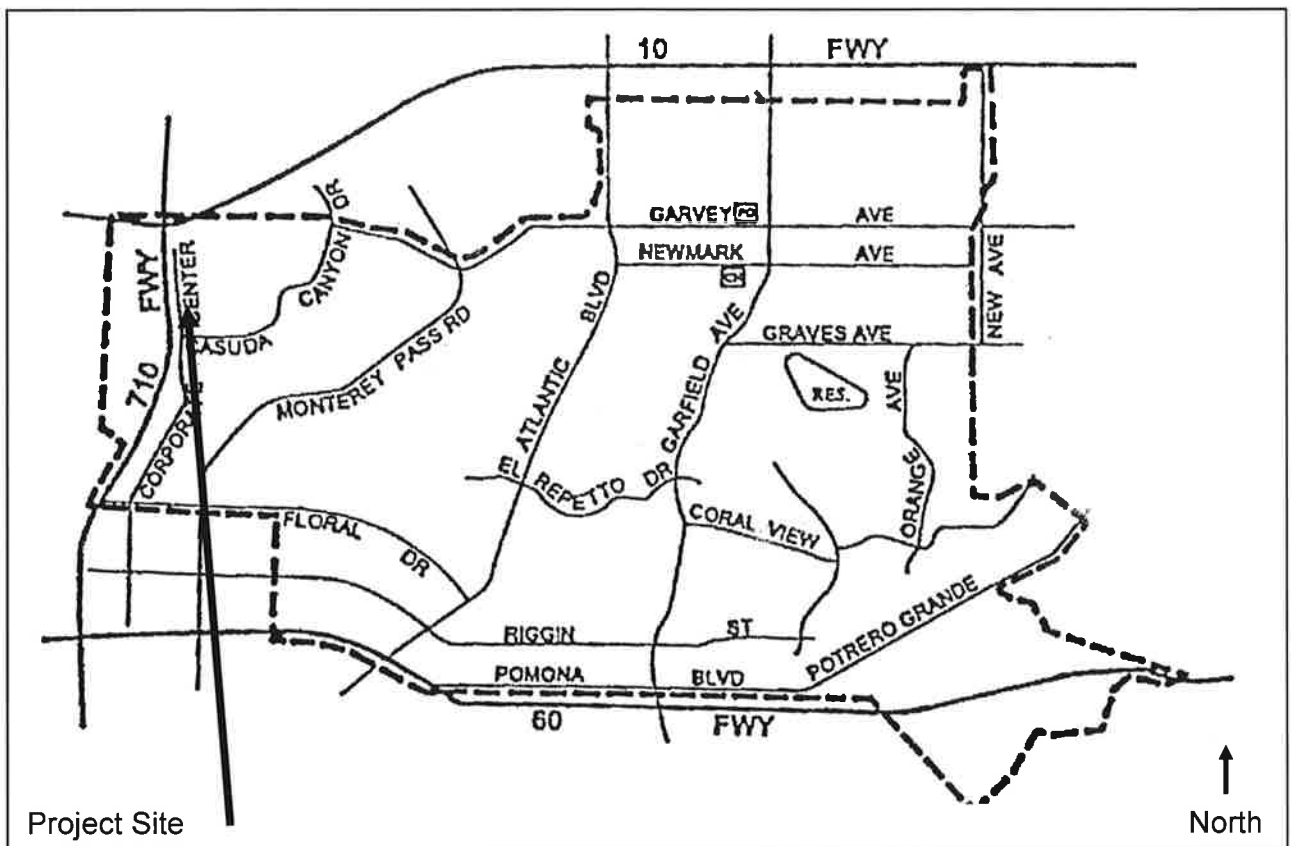
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **March 5, 2015**, with affidavits of posting on file. The legal notice of this hearing was mailed to **27** property owners within a 300 feet radius and current tenants of the property concerned on **March 5, 2015**.

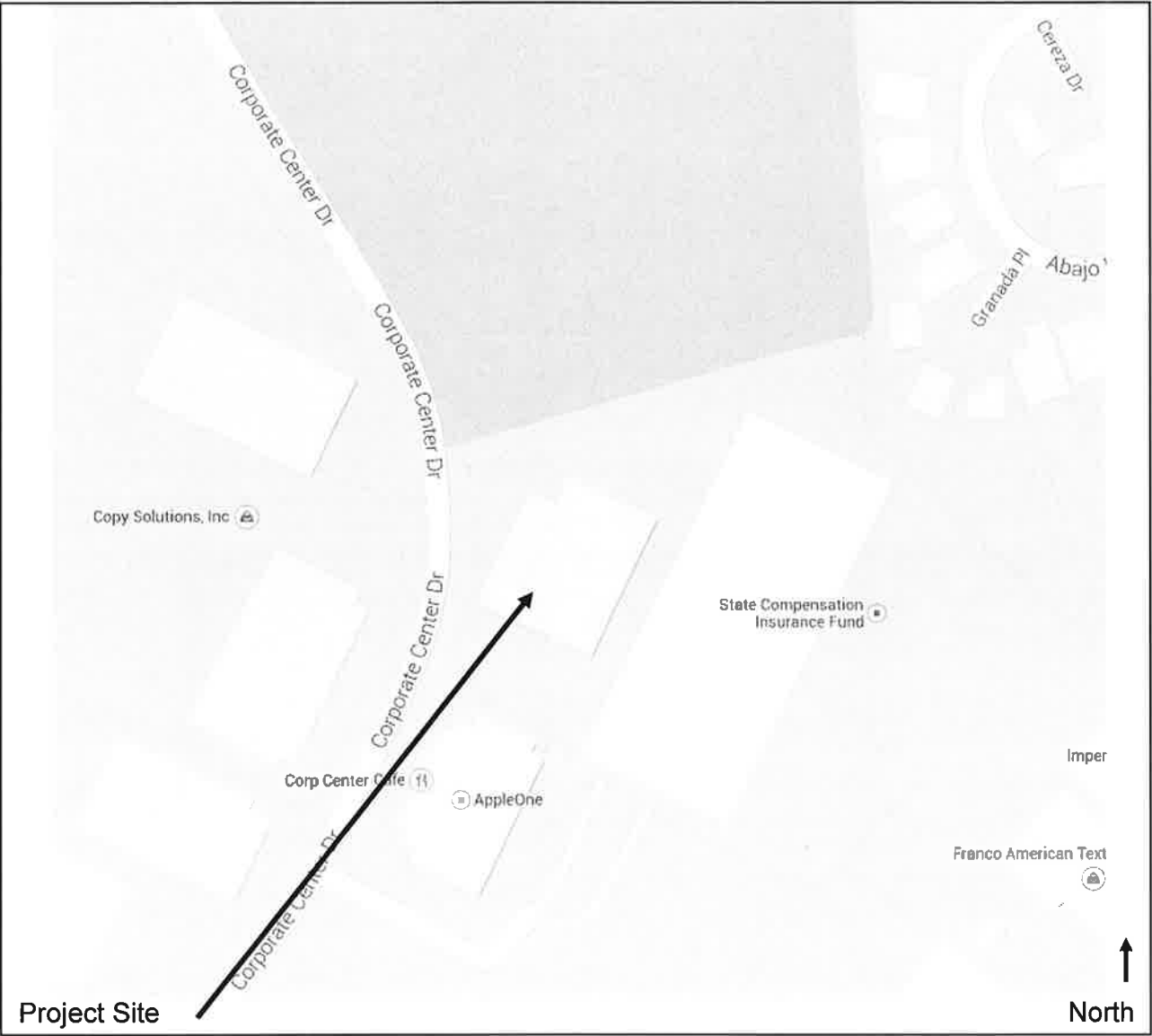
Environmental Assessment

This project was determined to be a Class 3 (New Construction) Categorical Exemption pursuant to CEQA Guidelines § 15301.

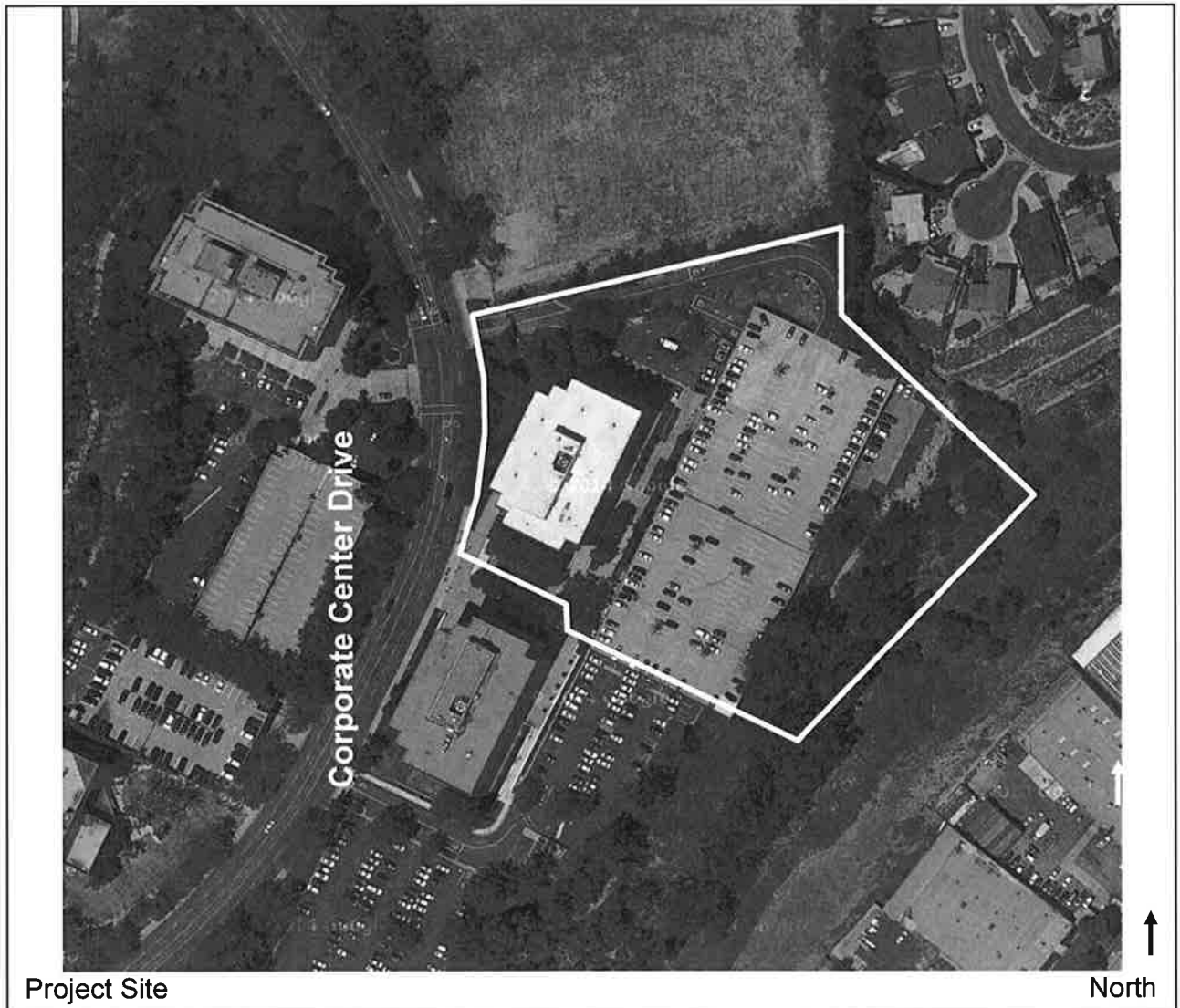
Vicinity Map



Street Map



Aerial Map



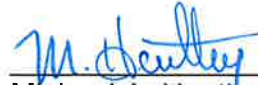
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

None.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site, floor, and elevation plans
- Exhibit C: Photo simulations

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-15-01) FOR A WIRELESS TELECOMMUNICATION FACILITY AT 900 CORPORATE CENTER DRIVE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On January 12, 2015, Cortel Inc., on behalf of T-Mobile, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.030, 21.32.020, and Chapter 21.34 requesting approval of Conditional Use Permit (CUP-15-01) to allow a wireless telecommunication facility at 900 Corporate Center Drive ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for March 24, 2015. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On March 24, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Cortel Inc.; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 24, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to install wireless communication equipment on the penthouse of an existing 6-story office building;
- B. 900 Corporate Center Drive is zoned C-P (Commercial Professional) and designated Commercial in the General Plan;
- C. The subject property is located on the east side of Corporate Center Drive, three lots south of Casuda Canyon Drive. North of the subject property is a vacant lot and Pine

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RESOLUTION NO.
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Tree Park, west and south are multi-story office buildings, and east are single-family dwelling units; and

- D. The lot is 265,280 square feet (6.09 acres) in size and is currently developed with three detached buildings that are 92,000 square feet, 72,328 square, and 119,372 square feet in size, constructed in 1985. The buildings include two multi-story office buildings and a parking structure. The property is accessible from Corporate Center Drive.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15303 (New Construction) as a small facility or structure.

SECTION 4: *Conditional Use Permit Findings.* Pursuant to MPMC §§ 21.10.030 (B) and 21.32.020, the Planning Commission finds as follows:

1. The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards required by the MPMC.

The site is adequate in size, shape and topography for the proposed use because the proposed use is an unmanned wireless telecommunication facility to be installed on an existing penthouse of a 6-story office building. The existing office building was constructed in 1985 and no changes are proposed to the building or to the site. The proposed wireless telecommunication facility complies with all requirements for the issuance of the conditional use permit.

2. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed wireless telecommunication facility. The site is accessible from Corporate Center Drive and is located less than half a mile from the Interstate 710 Freeway. The site is a developed property and no alterations are proposed to the existing 6-story office building or to the site. The proposed use is an unmanned wireless telecommunication facility and is not expected to significantly increase traffic. Aside from the monthly maintenance of the facility, there will be no other pedestrian or vehicular traffic generated by the proposed use.

3. The proposed use is consistent with the General Plan and any applicable specific plan.

The proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the MPMC zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category provides

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opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is an unmanned wireless telecommunication facility, which is allowed in the C-P (Commercial Professional) Zone with a Conditional Use Permit approval.

4. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City.

The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood because the use is a wireless telecommunication facility and will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City.

5. The proposed use will not have an adverse effect on the public health, safety and general welfare.

The proposed use will not have an adverse effect on the public health, safety, and general welfare because the use is an unmanned wireless telecommunication facility that will be installed on the penthouse of an existing 6-story office building. The penthouse is currently occupied by mechanical equipment that serves the existing office building. The proposed antenna panels will be installed behind screen cabinets that will be painted to match the existing exterior building color to minimize any visual impacts to neighboring properties.

6. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC.

The proposed use is authorized by MPMC §§ 21.10.030, 21.32.020, and Chapter 21.34. The use is consistent with the C-P Zone and will not generate a significant amount of the noise, traffic or visual impacts.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-15-01).

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

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SECTION 7: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to Cortel Inc. and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 24th day of March 2015.

Chairperson Rodrigo Garcia

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 24th day of March 2015, by the following vote of the Planning Commission:

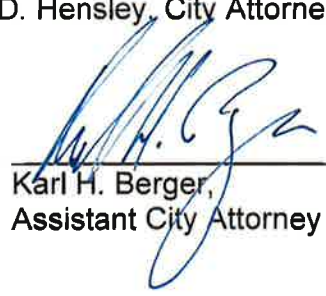
AYES:
NOES:
ABSTAIN:
ABSENT:

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Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

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Exhibit A

CONDITIONS OF APPROVAL

900 CORPORATE CENTER DRIVE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Cortel Inc., on behalf of T-Mobile, agrees that T-Mobile will comply with the following conditions of approval for Conditional Use Permit (CUP-15-01) ("Project Conditions").

PLANNING:

1. T-Mobile (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-15-01 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-15-01, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Divisions. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee (the "Director").
4. A copy of the Conditions of Approval for Conditional Use Permit (CUP-15-01) must be kept on the premises of the establishment and presented to any authorized City official upon request.
5. All ancillary equipments must be painted to match exterior building color.

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6. Should use of the facility be discontinued for more than 180 days, all facilities must be removed from the site.
7. Any damage caused to the exterior building wall by the installation or removal of any wireless equipment must be patched and painted to match the exterior building color and finish, subject to the Director's approval.

BUILDING:

8. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
9. All work must conform to the requirements of the 2013 California Building, Electrical, Fire, and other uniform Codes, as adopted by the MPMC.
10. Before the City issues building or electrical permits, the Director must approve all building and electrical plans.

POLICE:

11. The equipment/facility cannot interfere with any Police Department radio or digital communications or exchange.
12. If it is determined that the equipment/facility is interfering with any Police Department radio communications, the applicant must shut down the facility immediately upon being notified of such problems. The facility cannot become operational until the applicant has proven to the Police Department that the problem has been fixed and will not interfere with any Police Department radio communications or digital equipment.

By signing this document, Cortel Inc., certifies on behalf of T-Mobile, that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Cortel Inc., signing on behalf of T-Mobile, Applicant